

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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|--------------------------------|---|--------------------------------------|
| GLOBERANGER CORPORATION | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 3:10-cv-2464 |
| | § | |
| SOFTWARE AG USA, INC., | § | |
| NANIQ SYSTEMS, LLC and | § | |
| MAIN SAIL LLC, | § | |
| | § | |
| Defendants. | § | |

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiff GlobeRanger Corporation (“GlobeRanger” or “Plaintiff”) files this Notice of Dismissal Without Prejudice of its claims against Software AG, Software AG USA, Inc. (“Software AG USA”), Naniq Systems, LLC (“Naniq”) and Main Sail LLC (“Main Sail”) (collectively, “Defendants”) and, in support thereof, states the following:

1. On December 3 2010, Plaintiff filed this lawsuit against Software AG USA, Naniq and Main Sail. *See* Original Comp. [Doc. 1]. Pursuant to an agreement between the parties, the time to answer or otherwise respond was extended until January 31, 2011.

2. On January 27, 2011, Plaintiff filed its First Amended Complaint as a matter of right, adding Software AG as a Defendant. *See* First Am. Compl. [Doc. 5]. Upon Defendants’ request, Plaintiff agreed to extend the time for all Defendants to answer or otherwise respond until February 17, 2011. On February 21, 2011, the Court

granted Naniq's agreed motion to extend the time to answer or otherwise respond until March 2, 2011. *See* Electronic Order [Doc. 21].

3. On February 17, 2011, Software AG, Software AG USA, and Main Sail filed motions to dismiss under Rule 12(b)(1) and 12(b)(6) which, among other things, challenged the court's subject matter jurisdiction on the ground that both Software AG USA and GlobeRanger are Delaware corporations and, therefore, diversity is lacking. *See* Brief in Support of Motion to Dismiss [Doc. 11] at 8-9.

4. Accordingly, in reliance on Software AG and Software AG USA's representations regarding Software AG USA's corporate citizenship, Plaintiff voluntarily dismisses this action without prejudice so that it may refile in state court.

5. Each Defendant has been served with process and has not filed an answer or a motion for summary judgment.

6. This case is not a class action and no receiver has been appointed. This case is not governed by any federal statute that requires an order of the Court for dismissal of the case. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.

7. This dismissal is without prejudice.

February 24, 2011

Respectfully submitted,
MILLER, EGAN, MOLTER &
NELSON LLP

/s/ Matthew D. Rinaldi

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**ATTORNEYS FOR PLAINTIFF
GLOBERANGER CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2011, a true and correct copy of the foregoing document was submitted to the Clerk of the Court of the U.S. District Court, Northern District of Texas, using the CM/ECF system, and was served upon all counsel that have appeared in this case through this Court's electronic filing system.

/s/ Matthew D. Rinaldi

Matthew D. Rinaldi